

CUSTOMER NO.: 24498

Serial No.: 10/657,339

Final Office Action Dated: August 3, 2007

PATENT

PF020116



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants: Daniel Creusot, et al.

Examiner: Y. Young Lee

Serial No: 10/657,339

Group Art Unit: 2621

Filed: September 8, 2003

Docket: PF020116

For: PROCESS FOR CONTROLLING AN AUDIO/VIDEO DIGITAL DECODER

Mail Stop Appeal Brief-Patents
Hon. Commissioner for Patents
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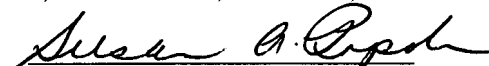
APPEAL BRIEF

Applicants appeal the status of claims 1-7 as presented in response to the Office Action dated June 14, 2007, and finally rejected in the Office Action dated August 3, 2007 pursuant to the Notice of Appeal filed on October 15, 2007 and submit this appeal brief.

CERTIFICATE OF MAILING 37 C.F.R. §1.8(a)

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10. RELATING PROCEEDINGS APPENDIX

1. Real Party in Interest

The real party in interest is THOMSON LICENSING S.A., the assignee of the entire right title and interest in and to the subject application by virtue of an assignment recorded with the Patent Office on April 19, 2004 at reel/frame 015229/0150.

2. Related Appeals and Interferences

None.

3. Status of Claims

Claims 1-7 are pending. Claims 1-7 stand rejected and are under appeal.

A copy of the claims 1-7 is presented in Section 8 below.

4. Status of Amendments

An amendment under 37 CFR §1.111, sent to the PTO on June 7, 2006 in response to the non-final Office Action dated June 15, 2006, was entered. An amendment under 37 C.F.R. §1.116, sent to the PTO on October 12, 2007 in response to the final Office Action dated August 3, 2007, was also entered. No Responses/Amendments were filed subsequent to the above Amendment mailed on October 12, 2007.

5. Summary of Claimed Subject Matter

Claim 1 is directed to a process for controlling an audio/video digital decoder comprising the following steps: continuous acquisition of a digital audio/video stream, the digital video stream being

composed of an ordered sequence of images (see, e.g., Abstract; p. 2, lines 24-25; p. 6, lines 1-2; p. 9, lines 16-19; elements 102, 104, 106, 108, and 120 of Fig. 4; Figs. 3a to 3o); video decoding of all the images of the sequence (see, e.g., p. 9, lines 24-27; elements 102 and 122 of Fig. 4); receiving a request for displaying only part of the images (see, e.g., p. 10, lines 16-20, elements 102, 112, 128, 132, and 138 of Fig. 4); responsive to the request, generating a video signal based on only part of the images of the sequence (see, e.g., p. 10, lines 6-27; elements 102, 112, 128, 132, 134, 122, 126, 136, and 138 of Fig. 4); decoding the digital audio stream into an audio sequence in synchronism with the video decoding (see, e.g., p. 10, lines 27-35; p. 5, lines 12-15; elements 112, 102, 138, 134, 128, 132, 130, 136, 126, 122, 124 and 120 of Fig. 4).

6. Grounds of Rejection to be Reviewed on Appeal

Claims 1-7 stand rejected under 35 U.S.C. §102(b) as being anticipated by Sun et al. (U.S. Patent No. 5,923,665) (hereinafter 'Sun'). The preceding rejection is presented for review in this Appeal.

Regarding the grouping of the claims, claims 2-7 stand or fall with claim 1, due to their respective dependencies.

7. Argument

A. Introduction

In general, the present principles are directed to a process for controlling an audio/video decoder. A common problem associated with decoding a video bit stream upon changing a display mode is the appearance of a black screen coupled with a slight delay (see, e.g., Specification, p. 2,

lines 10-13). For example, a user may wish to “slow down” the display to inspect objects within video frames by extending the time in which certain frames are displayed. One way this may be achieved is by configuring the decoder to display only frames of a specific type in real time, while excluding the display of others. However, upon returning to a normal play mode, a delay results because the decoder requires a moment to resynchronize the video stream with an audio stream (see, e.g., Specification, p. 2, lines 10-13).

One aspect of the present principles includes continuously decoding the entirety of the video stream in synchronism with decoding the audio stream upon receiving and servicing a request to display only part of the images of the video stream (see, e.g., Specification, p. 10, lines 6-30). Thus, this aspect of the present principles avoids a display delay after returning to a normal play mode, as the audio and video stream decoding are continuously synchronized throughout the transition (see, e.g., Specification, p. 10, lines 31-35).

Claim 1 includes the feature of receiving and responding to a request to display only a portion of the images of a video stream. The prior art does not anticipate this feature, as discussed herein below. Accordingly, it is respectfully asserted that claim 1 is patentably distinct over the cited reference. As such, claim 1 is presented for review in this appeal.

B. Whether Claim 1 is Unpatentable Under 35 U.S.C. §102(b) by Sun

B1. Claim 1 is patentable at least because Sun does not disclose receiving and servicing a request to display only part of the images of a video stream.

Sun does not anticipate claim 1, as Sun fails to disclose the claim feature of receiving and responding to a request to display only a portion of an image sequence. “A claim is anticipated only if

each and every element as set forth in the claim is found, either expressly or inherently described, in a single or prior art reference” (MPEP §2131, quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) Elements of claim 1 include, inter alia: “receiving a request for displaying only part of the images” and “responsive to the request, generating a video signal based on only part of the images of the sequence.”

Sun does not expressly or inherently describe receiving and servicing a request for displaying only part of an image sequence. Sun describes a method for efficiently employing a frame buffer memory (see Sun, column 3, lines 23-25). Specifically, the method is directed to avoiding any tearing of displayed frames, which occurs when newly decoded frames overwrite a memory location storing a displayed frame (see, Sun, Fig. 1B; column 2, line 57 to column 3, line 4). To avoid tearing, Sun discloses adapting a decoder to simply add a memory slot (four-slot frame buffer) or skip the display of a newly decoded frame that would otherwise overwrite a displayed frame (see Sun, column 5, lines 42-46; and column 6, lines 7-13). While Sun states that it is possible to freeze a display with a four-slot frame buffer (see Sun, column 5, lines 46-47), Sun does not expressly describe the claim elements of receiving and responding to a request for displaying only part of an image sequence.

Moreover, Sun fails to inherently describe receiving and responding to a request for displaying only part of an image sequence. “[A]nticipation by inherent disclosure is appropriate only when the reference discloses prior art that must necessarily include the unstated limitation. . . .” Transclean Corp. v. Bridgewood Services, Inc., 290 F.3d 1364, 1373 (Fed. Cir. 2002) (citing Cont’l Can Co. v. Monsanto Co., 948 F.2d 1264, 1268-69, 20 USPQ2d 1746, 1749 (Fed.Cir.1991) (emphasis in original text)). As discussed above, Sun merely states that freezing a display is possible with a four-slot frame buffer. Freezing a display does not necessarily include the steps of receiving and responding to a

request for displaying only part of an image sequence, as a decoder may be configured to automatically freeze a display upon an error in processing or some other predetermined event. Accordingly, Sun fails to either expressly or inherently describe the claim elements of receiving and responding to a request for displaying only part of an image sequence.

Additionally, the Examiner has asserted that Sun's description of tearing an image frame anticipates receiving a request for displaying only part of an image (August 3, 2007 Office Action, p. 2, section 8) (citing Sun, elements 141 and 142 of Fig. 1B). However, as discussed above, tearing is a result of overwriting a memory slot that stores a displayed frame and is an error specifically avoided by the methods disclosed in Sun. Tearing of an image frame, as disclosed in Sun, is not a description of receiving a request of any kind.

Thus, claim 1 is patentable over Sun, as Sun fails to anticipate at least the claim feature of receiving and servicing a request to display only part of the images if the video stream. Accordingly, withdrawal of the rejection is respectfully requested. Moreover, withdrawal of the rejections of claims 2-7 is also respectfully requested due at least to their dependencies on claim 1.

C. Conclusion

At least the above-identified elements of the pending claims are not anticipated by the teachings of Sun. Accordingly, it is respectfully requested that the Board reverse the rejection of Claim 1-7 under 35 U.S.C. §102(b).

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Deposit Account No. 07-0832 as required to correct the error.

Respectfully submitted,

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October 15, 2007

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8. CLAIMS APPENDIX

1. (previously presented) A process for controlling an audio/video digital decoder comprising the following steps:

continuous acquisition of a digital audio/video stream, the digital video stream being composed of an ordered sequence of images;

video decoding of all the images of the sequence;

receiving a request for displaying only part of the images;

responsive to the request, generating a video signal based on only part of the images of the sequence;

decoding the digital audio stream into an audio sequence in synchronism with the video decoding.

2. (original) A process according to Claim 1, comprising the step of - playing the audio sequence.

3. (original) A process according to Claim 1, wherein said part is a single image of the sequence.

4. (original) A process according to Claim 1, wherein the sequence comprises images of a first type and images of a second type and wherein said part is limited to the images of the first type.

5. (original) A process according to Claim 1, wherein the acquisition is a reading from a digital medium.

6. (original) A process according to Claim 1, wherein the acquisition is a reception of a digital stream.

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7. (original) A process according to Claim 1, wherein the video signal is intended for display.

Claims 8-13 (withdrawn)

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9. RELATED EVIDENCE APPENDIX

None.

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10. RELATED PROCEEDINGS APPENDIX

None